

## **BRIEFING NOTES**

**NAME OF GROUP:** PLANNING COMMISSION and reFORM COMMITTEE

**DATE, TIME AND PLACE OF MEETING:** Wednesday, September 3, 2014, 11:30 a.m., Hearing Room 113 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Cathy Beecham, Michael Cornelius, Chris Hove, Maja V. Harris, Jeanelle Lust, Dennis Scheer and Lynn Sunderman; Tracy Corr and Ken Weber absent. Marvin Krout, David Cary, Steve Henrichsen, Ed Zimmer, Christy Eichorn, Brandon Garrett, Stacey Groshong-Hageman and Teresa McKinstry of the Planning Department; Jon Carlson, Mike Eckert, Dave Erickson, Tim Gergen, DaNay Kalkowski, Rick Krueger, Sam Manzitto, W. Don Nelson, Patte Newman, Michelle Penn, Scott Sullivan, Zach White, Dave Zimmerman and other interested citizens.

**STATED PURPOSE OF MEETING:** "Update on reFORM and Committee Discussion"

David Cary welcomed everyone. He stated that the reFORM Committee met eleven times last year and discussed the proposal in detail. Staff has been discussing some of the changes. The new, updated version of the proposed reFORM design standards are available online. The purpose of today is to make sure everyone is up to speed on what is being proposed. We want to make sure everyone is up to date on the new and changed items, and where we are in the process. We want everyone to have some group discussions. Staff will take those comments and see where the discussion goes from there. There will be opportunities for questions.

Cary continued that reFORM is a package of design standards and zoning changes. The idea is to create spaces and places that foster economic development and create places for people to live, work and shop. Staff has taken a cue from the information that has been developed. We looked into the importance of placemaking to economic development. Omaha by Design efforts are based in local economic development. States like North Carolina propose designing better places as part of their economic development strategy. This group understands the details such as focusing on the pedestrian experience, providing clear space for pedestrians, a planting zone, a walking zone and the build to zone. Corridor standards were based on the B-1, B-3 and H-2 zoning districts. They are

more outward facing. The parking is to the side and rear. The street scape and build to zone is along the street. Center standards for B-2, H-4 and B-5 zoning are generally more in suburban areas. These are more inward facing with use of a pedestrian oriented route. Building design standards are part of the package. Removing zoning barriers will help accomplish this. Parking height and setback, more flexibility, landscaping and screening, residential in and near development are all being taken into consideration. Some maps were created to show locations where the standards would and would not apply.

Staff researched a lot of information from other communities. Our proposal is based on many of these standards, but we didn't replicate any standards from other communities. We developed our own that we thought would work best for Lincoln. Localized site specific standards are on the books in Lincoln. Very recently over the summer, staff made an attempt to reach out to other communities. Fort Collins, Colorado has similar emphasis on pedestrian oriented development. They face similar issues that we have been discussing. They have found that bringing buildings closer to the street helps with visibility of signs. They emphasize flexibility on a site by site basis. Columbus, Ohio heard concerns over the ability to build buildings to the standards, but after getting them in place, they have had quite a few successes. Austin, Texas has a similar organization to Lincoln. Drive thru's are a challenge. Once again, site by site flexibility is needed. Omaha, Nebraska just completed their 6<sup>th</sup> annual review of their design standards. Lincoln would be looking at this on an annual basis. Designers and city staff look at issues as they arise in Omaha. They pointed out that their standards are not meant to be stylistic. That is something we are trying to convey. This is to provide guidance on what to include in the design.

Cary showed some images - 1) Aldi Grocery Store in Omaha at 30<sup>th</sup> and Sorensen Parkway; 2) McDonalds in Omaha at 24<sup>th</sup> and Cuming, this won a national design award; 3) Columbus, Ohio, a multi story building with office above retail. They have had success with this; 4) A gas station in Columbus was an additional example along with the 4) Kroger Grocery Store and a small retail store/restaurant. These are examples of bringing the building to the street, with parking to the side and back of building; 5) Fort Collins, a mixed use center with the building facing the internal route.

In the Spring of 2013, staff went out to the community and received feedback. Over the Summer of 2013, staff went to specifically interested groups and stakeholders. The reFORM Committee was brought together and met eleven times. Staff considered all the information and updated the package. Probably the biggest single change is that projects in B-2, B-5, H-4 and Planned Unit Developments in centers won't have to follow these standards. If they were approved prior to January 1, 2015, they would be exempt. There

is language speaking to substantial redevelopment. The threshold is 50,000 square feet or more of floor area. When this much floor area is proposed for demolition, or has already been demolished, then the new standards would apply.

Tim Gergen referenced 84<sup>th</sup> and Highway 2. He stated that there is no site plan for the corner, but an Annexation Agreement that covers the entire area. When that develops from AG to B-5, for example, would that follow this new standard or be exempt? Marvin Krout replied that as reFORM is now drafted, it would be exempt. Cary added that the idea is, if there is already a design plan, it can proceed. We acknowledge that there is a challenge if something is partially developed. Gergen stated that it is hard to change everything after a development is halfway built. Krout stated that staff would look to flexibility.

Scott Sullivan questioned the 50,000 square feet of floor area versus a certain percentage of the development. He wonders if percentage is a better way to address this. Cary replied that staff was thinking of a threshold. Krout added the standards would only apply to that redevelopment area, not the whole site. He believes that in some cases, this represents an opportunity.

Rick Krueger wondered if these get reviewed through the Planning Dept. Cary replied yes. Enforcement would stay with Building and Safety.

Cary pointed out other changed items. The idea of administratively approved use permits was found to have little value and has been removed from the design package. Waivers to height and lot regulations through an optional use permit process are being proposed. The proposal to allow one acre planned unit development and accessory dwelling units have been removed from the package. Finally, a new B-1 zoning district, neighborhood retail district, is being proposed. The idea is to rezone most existing B-1 to other districts, mainly B-3, to have more uses. A few areas would remain the new B-1 district with more limited uses that are better neighbors to residential areas. The new B-1 would exclude auto uses. There is an executive summary of the proposal, index of the proposed changes, a legislative format of all the changes, a sketch book to be used as a visual guide to the design standards proposal and a zoning changes summary as a more visual guide.

These are all available online at: <http://www.lincoln.ne.gov/city/plan/long/reform/reform.htm>  
We continue to ask for community comment.

Krueger inquired if there have been any discussions internally about corridors and the pipelines. Cary replied that Planning has had discussions with the Health Dept. Krueger sees that staff is trying to bring buildings to the street and the Health Dept. is trying to push

them back. Krout stated that staff is going to have a meeting regarding the Yankee Hill corridor soon. We will show these pipeline locations on the map. The Health Dept. is ready to sit down and talk. This is a site by site issue. The Health Dept. has no issues with putting commercial uses closer to pipelines, just residential uses. Krueger sees this as a big issue.

Michael Cornelius stated that it is not entirely clear to him on what areas are still under the new design standards. Cary replied that corridors are what has been proposed as having the new standards apply. Krout stated that the focus is more on older neighborhoods and smaller arterial streets. What we see is that not only do more suburban areas have more homes, but newer developments. We do not expect them to have redevelopment as soon as the older neighborhoods. From a building design standpoint, he thinks that most of the centers are doing great. People have made plans and investments. The focus has shifted to older areas of town.

W. Don Nelson wondered if these adjustments have brought peace with the development community. Krout replied that some of those folks are here today. He can tell you that staff has had discussion with commercial realtors, and they are not excited about this. He thinks there is still a concern if this is what tenants and customers want or not. I'm sure we will hear some of that today.

Tim Gergen is glad to see Austin, Texas is struggling with drive thru standards. These can be the most difficult. Has any flexibility been given to make this work? Cary replied that staff has been thinking this is where the standard needs to be the most flexible. This is less of an issue for the centers, but clearly an issue for the corridors. Flexibility in the review process is going to have to be there. Access is going to have to be the driver. Krout believes that the language says if any of these are in conflict with Access Management or the Watershed Design Standards, the other standards apply.

Gergen asked if plans will be required to be brought in before the building permit level. Krout believes that is probably a good idea. Staff always recommends you come in and talk to a planner first.

Cary wants groups to talk about the package. He encouraged everyone to come up with some ideas you want to comment on. Let us know what you like and what you don't.

There was a 20 minute discussion amongst the smaller groups.

Jeanelle Lust stated that the group at her table has no huge problems with the proposal, but thinks that some items could be problematic.

Dave Zimmerman stated that his group can see both sides. Some standards could raise costs. What if something falls through the cracks? Will this protect existing neighborhoods? Their discussion went both ways, they had no answers.

Mike Eckert knows some of the development community concerns. His table mentioned the same things. Some changes are acceptable. Cost and materials are a concern. A bigger concern is what is acceptable and longevity. Maybe a drive thru that doesn't work well needs to be redesigned. The ability to see the front door was mentioned. The O Street project for example and LPS, they wondered how the smaller tenants feel they are doing.

Cathy Beecham stated that her table discussed the 50,000 square foot measurement. There was concern this is so large it may actually discourage development. They thought a percentage would work as well. What is excluded and included needs to be refined better. There were questions if the standards could be waived by special permit. Jon Carlson likes the B-1 and thinks it can encourage smaller development. Chris Hove commented that he liked this idea, but was concerned that if all we look at is big companies, he wonders about the impact on small companies. Krueger expressed concerns about bringing the buildings to the street.

Scott Sullivan stated that his table discussed comments questioning if site design standards could slow redevelopment. In contrast to that, 48<sup>th</sup> and O St. was discussed. Would the standards have an effect on cost? Probably not, but it might affect who comes to town. With regard to building design standards, there are some elevated costs, but there seems to be more concern with site standards.

Cornelius thinks there was general agreement on the predictability. There were concerns about increased costs and if costs increase, where a developer can't be competitive, you end up stalling development.

Nelson stated that since the committee adjourned months ago, he spent time interviewing developers, landlords and tenants in Colorado and Canada. Some Canadian communities have design standards on steroids. He is struck by how developers in our community are hesitant to make the move. These other communities are teaming with activity. He wants to be sympathetic with the developer community, but look at others who have made the

leap. He thinks he is observant. The big picture is, these communities have almost no complaints and are highly satisfied.

Cary stated that the process thus far has been going out to stakeholder groups and make sure we are getting feedback. This committee was reconvened today to gain input. Staff will meet with Planning Commission members later today for a follow up on this discussion and get some initial direction. If we make a decision to move forward, we would have to send notices to property owners and hold informational meetings. The schedule would be to take the feedback and make any necessary adjustments in October of this year. The idea is to have a package at some point that could be brought forth for approval, hopefully by the end of this year.

Cary thanked everyone for their time.

The meeting was adjourned at 12:45 p.m.

## **BRIEFING NOTES**

<b>NAME OF GROUP:</b>	PLANNING COMMISSION
<b>DATE, TIME AND PLACE OF MEETING:</b>	Wednesday, September 3, 2014, 2:00 p.m., Hearing Room 113 on the first floor of the County-City Building, 555 S. 10 <sup>th</sup> Street, Lincoln, Nebraska
<b>MEMBERS IN ATTENDANCE:</b>	Cathy Beecham, Michael Cornelius, Tracy Corr, Chris Hove, Maja V. Harris, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber. Marvin Krout, David Cary, Steve Henrichsen, Christy Eichorn, Brandon Garrett, Stacey Groshong Hageman and Teresa McKinstry of the Planning Department; and other interested citizens.
<b>STATED PURPOSE OF MEETING:</b>	"Follow-up Discussion on reFORM"

Marvin Krout stated that Fallbrook and Village Gardens developments have created their own design standards. Planning Commissioners heard a comment today about how other communities can do this and Lincoln can't. He is not sure there is an excuse for us not to have standards. To be frank, there is no way to overcome the opposition of the commercial realtors. Staff is asking for input today. Do Commissioners feel this proposal is ready or not? Staff feels like we need to get out notification and have outreach with property owners. There are hundreds who would be affected. This is not going to be easy. He believes the question is, is this worth going forward with.

Lust questioned Robin Eschliman when she asked her to be on Grow Lincoln. She has talked to some Omaha developers and they stated they never follow their design standards because they have found them to be so unworkable. Everyone just applies for waivers.

Krout has talked to the public and private sector and there are waivers that occur. They usually occur due to a specific property owner, or specific site. They don't have an administrative waiver he believes, so perhaps they are more visible due to that. We would just do administrative waivers. Deep lots, corridors, big box buildings, these can be difficult situations. Yes, there would be waivers. We would just try to make them administrative.

Cary stated that waivers are probably more visible because you have to go through more steps, but Omaha does have standards.

Beecham questioned parking behind a building versus on the street side. Krout noted that you could have an entrance on both sides if desired.

Beecham questioned if staff has any examples of where this has been done and if the customer base has gone down. Krout noted it is anecdotal. If Whole Foods is not successful, is it due to the building backing up to the street or something else?

Lust stated that the table she was at for the reFORM discussion before the Planning Commission meeting had a good discussion. The developers main concern seemed to be center requirements. How much do you get if you stick with corridors? Krout replied we have already watered it down. There could be six or eight centers over the next 20 years. We don't see a lot of new shopping centers being built.

Lust questioned if it wouldn't be better to delete that part if it doesn't affect that many. Krout believes that there will still be push back, but we could eliminate some reason for the opposition.

Cornelius understood that real estate developers feel caught inbetween these and the tenants. He doesn't understand the economics and the process. Krout thinks we have turned a corner in the last few years that the franchises are being told in the last few years that they want their building done a certain way.

Cary believes you could make the argument that you are pitting developer versus developer if you don't have standards for all. Krout thinks the argument is on the centers. If standards are there, you can take them or leave them, but you know what the desirable result is.

Harris knows that a compromise is a compromise, and it will not go unnoticed.

Beecham sees that in terms of older neighborhood pieces, there is a new generation coming in that wants different things. She likes that we aren't saying that everyone needs to change right away. As those buildings age out, we can make them into something that makes them attractive to a new generation of people. But we don't want to alienate everyone. She likes this. It is a cascading thing as a building ages out. She thinks in 30 years, walkability will be a critical factor for attracting young people.



Krout stated something tells me we shouldn't give up. When there is an opportunity to redevelop something in the future, we should take it.

Lust questioned if we had the building design standards that we want, and that applied to the three districts, but maybe didn't have the site/center requirements, do we get what we want, what would we lose? She doesn't think anyone will build another Gateway Mall. She doesn't believe that is what people want anymore. She wondered what we are gaining by sticking to centers. Krout believes South Pointe is the exception to the rule. He thinks in the B-5 district, it is easier to do because the retail is a destination.

Hove doesn't disagree with any of these conversations, but as a banker, when you change the orientation of a building, it changes everything. As developers, that is what they are looking at. Small businesses are the bread and butter and this impacts them.

Sunderman thinks Whole Foods will do fine. It is a destination. His concern about insulation is that you don't see if anyone is in the parking lot or in the store. Krout stated that staff did not tell Whole Foods how to design their building. Typically we wouldn't have such a long unbroken wall of building. In terms of view from the road, he thinks it is a nice piece of architecture. There are other ways to do that center.

Scheer believes design standards get a bad rap unnecessarily so because they aren't used in the correct way. Lincoln is like a portrait. Until Lincoln has a more complete definition of what it is, then the portrait is incomplete. These places aren't defined. The standard hasn't been elevated to a point that part of Lincoln is finished. The question is if there is value to still go through the public process and see where the discourse is. The process is having this happen.

Krout believes we can go ahead with the next step and then report back to Planning Commission.

Lust would like to see this presented to the various owners that will be affected and staff should come back to update the Planning Commission in a few months.

Cornelius believes that being in the middle of the Country, things take a little longer to come to us. He is saying let's slow down a little. This is a long term plan. We have a long time to see if this will work or not.

Krout agrees that we are very insulated.

Cornelius wants to know where are the market forces that are driving the changes that are so resisted by developers in Lincoln. He thinks maybe the market forces need to catch up.

Corr doesn't think we need to slow down. She thinks this has been going on forever. If we want Lincoln to be a progressive up-to-date city, then we need this. She thinks it can be done and we need to keep plugging away.

Cornelius doesn't disagree with any of that.

Beecham is not sure delaying it would change anyone's opinions. She thinks the discussion is important. She thinks going forward with the discussion will bring things to the surface.

Lust also believes we need to move forward on this. If we just keep waiting, we will be stuck.

Beecham noted you could put forth an argument that waiting ten years could be a missed opportunity.

Krout stated it is always possible that things could change once they get to City Council.

Lust would be in favor of pushing this forward. She would also be in favor of looking at the 50,000 square foot benchmark again. Beecham pointed out that Dave Johnson at her table, believed 50,000 square feet was too large and wouldn't work for a lot of smaller businesses.

Hove thinks there could be a lot of small business owners that can't afford this.

Beecham would be curious to see any examples of communities that are doing this and what the impacts have been.

Lust believes that January, 2016 would be a more realistic date.

The meeting was adjourned 2:45 p.m.